



House of Representatives

General Assembly

File No. 166

January Session, 2013

House Bill No. 5610

House of Representatives, March 26, 2013

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ISSUANCE OF MUNICIPAL SOFT-SERVE ICE CREAM VENDOR PERMITS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) A municipality shall issue a
- 2 soft-serve ice cream vendor permit not later than five days after the
- 3 applicant for such permit has submitted: (1) A completed application,
- 4 (2) the application fee, and (3) any necessary supporting
- 5 documentation, as determined by the municipality.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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GL Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires municipalities to issue soft-serve ice cream vendor permits not more than five days after receiving any required application, fee and additional paperwork, has no fiscal impact as it is anticipated that municipalities can meet this requirement with available resources.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5610*****AN ACT CONCERNING THE ISSUANCE OF MUNICIPAL SOFT-SERVE ICE CREAM VENDOR PERMITS.*****SUMMARY:**

This bill requires municipalities that require soft-serve ice cream vendors to secure a local license or permit to issue that license or permit within five days after the vendor submits (1) a completed permit application; (2) the application fee; and (3) any necessary supporting documentation, as determined by the municipality.

EFFECTIVE DATE: Upon passage

BACKGROUND***State and Municipal Regulation of Soft-Serve Ice Cream Vendors***

The Department of Consumer Protection (DCP) requires soft-serve ice cream vendors, whether selling from a building or vehicle, to have a DCP-issued frozen dessert retailer license.

By law, a soft-serve ice cream vendor engaged in temporary or transient business out of a building or structure is an itinerant vendor and must secure a license from any municipality in which it wishes to do business, in addition to the DCP license. When issuing such a license, municipalities may charge a fixed application fee. Alternatively, they may charge a variable fee equal to the taxes the town could have assessed on the vendor's merchandise under the last tax levy and require documentation from the vendor to help the municipal assessor determine this fee.

Itinerant vendors who do business without the required state or local license or permit are guilty of a class D misdemeanor.

By law, a soft-serve ice cream vendor selling from a vehicle is a hawker or peddler, and is subject to any reasonable ordinances in the municipality in which he or she is doing business. Municipalities may require such a vendor to, among other things, secure a town permit, provide evidence of the state permit, and may impose a permitting fee of up to \$200 a year.

Hawkers or peddlers who do not comply with municipal ordinances regulating their sales activities are subject to a fine of up to \$199.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)